

Reflect, Reimagine, Respond: Results

Ontario Human Rights Commission
Annual Report 2021–2022



Ontario
Human Rights Commission
Commission ontarienne des
droits de la personne

We envision an inclusive society where everyone takes responsibility for promoting and protecting human rights; where everyone is valued and treated with equal dignity and respect; and where everyone’s human rights are a lived reality.

Our mission is to promote and enforce human rights, to engage in relationships that embody the principles of dignity and respect, and to create a culture of human rights compliance and accountability.

The Ontario Human Rights Commission is based in what is now known as Toronto, and we are guests on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We recognize that this land is the Traditional Territory of many First Nations, including the Mississaugas of the Credit First Nation, the Haudenosaunee, the Chippewa and the Wendat peoples.

We further acknowledge that Toronto is now home to many diverse First Nations, Inuit and Métis peoples. We are mindful that Toronto is covered by Treaty 13, the Williams Treaties and the Dish with One Spoon Wampum. We honour these lands and are grateful to the Indigenous peoples who have cared for and continue to care for lands across Turtle Island.

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June 28, 2022

Speaker of the Legislative Assembly of Ontario
Room 180, Main Legislative Building
Queen's Park
Toronto, Ontario M7A 1A2

Dear Mr./Mme Speaker:

Under Section 31.6 (2) of the Ontario *Human Rights Code*, the Ontario Human Rights Commission (OHRC) is required to submit a report on its activities for the previous fiscal period by June 30 of each year, to be tabled in the Legislature.

Accordingly, I am pleased to provide you with *Reflect, reimagine, respond: results*, the OHRC's annual report of its activities from April 1, 2021, to March 31, 2022.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia DeGuire".

Patricia DeGuire
Chief Commissioner
Ontario Human Rights Commission

2021-2022 by the numbers

COVID-19

The OHRC provided policies, statements, information and resources on human rights obligations during the COVID-19 pandemic.

459,463

People who viewed COVID policy statements, Q's & A's and other resources on the OHRC website (unique page views)

Right to Read

\$25 million

Ministry of Education funding for evidence based reading intervention programs and professional assessments in 2022-23, announced as a direct response to the *Right to Read* inquiry

200,000+

Ontario public school students who will benefit from OHRC *Right to Read* recommendations, based on estimates that one in 10 students are at risk for reading disabilities

16,000+

People who viewed the release of the *Right to Read* report on YouTube

61

High-profile organizations and individuals that sent a joint letter to the Ministry of Education, saying that implementing the *Right to Read* recommendations was the essential thing the Ministry can do for equity

Advocacy and legal work

The OHRC uses litigation strategically to ensure the *Code* is upheld, set legal precedent concerning *Code*-related issues and to assert or reshape public awareness of societal issues.

6,686

People who viewed the *Framework* for change to *address systemic racism in policing* on the OHRC website (unique page views). The *Framework* called for Ontario to establish a legislative and regulatory framework to directly address systemic racial discrimination in policing across the province

800+

Midwives whose rights to be free from systemic gender discrimination in compensation were supported by the OHRC's intervention in *Ontario v Association of Ontario Midwives* at the Court of Appeal for Ontario

96

Migrant workers whose rights to be free from racial discrimination and profiling were supported by the OHRC's intervention in *Logan v OPP* at the Human Rights Tribunal of Ontario

Website and social media interaction

7,847,575

People who accessed the OHRC website for information on human rights (based on unique page views)
– a 43% increase from 2020–21

42,559

OHRC social media followers and friends
– a 20% increase from 2020–21

Online learning

Learning about human rights is just a click away

1,062,078

Total number of people who accessed OHRC eLearning

Includes:

753,722

People who accessed *Working together* through the OHRC website and external learning management systems – a 30% increase from 2020–21

179,403

People who accessed *Call it out: Racism, racial discrimination, and human rights* through the OHRC website and external learning management systems
– a 149% increase from 2020–21

108,260

People who accessed *Human Rights 101* through the OHRC website and external learning management systems
– a 234% increase from 2020–21

Message from the Chief Commissioner

Reflect, reimagine, respond: results

As Chief Commissioner, I am honoured for the opportunity to bring this message to you. This annual report shares how the Ontario Human Rights Commission (OHRC) has focused on delivering public service in 2021–2022 and the steps it took to **reflect** on, **reimagine**, and **respond** to human rights concerns and ultimately bring about human rights **results** for Ontarians.

Now is an exciting time for the OHRC to reflect on its history. By reflecting on its achievements and inadequacies in the struggle for human rights, the efficacy of the tools and methods used in those struggles can be evaluated.

Last year, the OHRC celebrated its 60th anniversary. This year on June 15, 2022, it will celebrate the 60th anniversary of Ontario's *Human Rights Code (Code)* – the first legislation of its kind in Canada. This report references some key human rights moments of the past 60 years, and the leading roles people and communities have played in recognizing, protecting and advancing human rights. It offers a glimpse of the various visions and victories of the OHRC in carrying out its mandate.

Before the OHRC can protect the human rights of Ontarians, it must reflect upon and ensure that its own house is in order. The OHRC must be accountable for building the resources needed to best fulfill its mission and for fostering a strong and healthy organization.

Reflection is a process of considering whether the goals and the results of the struggles for human rights are being achieved. But reflection begins at home. Those efforts that produce results must be maintained and reinforced. Where results are not being achieved, the methods being used must be re-evaluated or reimaged. Different approaches must be created to achieve results that past practices have not addressed or met. Reimagining approaches is key to progress in this struggle.

Reimagining is not the work of the OHRC alone. Meeting the communities' needs can happen only when individuals and communities share their experiences, their knowledge, and their call to make Ontario a better place for everyone. The OHRC must not only partner and collaborate with communities in reimagining its approach to human rights but must also *respond* to the input and needs of communities.

Over the past two years, Ontarians have dealt with two pandemics – COVID-19 and the pandemic of racism, particularly against Black, Indigenous, Asian and religious communities. These circumstances, including hate crimes, have heightened the urgency to embed human rights into the fabric of our society and our institutions. As the world changes, approaches to human rights must change. The OHRC must marshal its resources and adapt its approaches to make a difference. It must *respond* to today's issues and be able to shift as new issues emerge.

Reflecting, reimagining and responding only have value if they lead to meaningful results. This report shares many of the outcomes arising from the OHRC's work with communities across Ontario. Highlights include:

- The OHRC released the [Right to Read](#) inquiry report in February 2022. This inquiry into human rights issues affecting students with reading disabilities and other students has already led to significant changes in curriculum, early screening and other areas.
- The OHRC issued two policy statements on COVID-19. The first one was the [Policy statement on COVID-19 vaccine mandates and proof of vaccine certificates](#). This had an immediate impact and received extensive media coverage. The OHRC guidance was followed by services and organizations across Ontario and was successful in embedding a human rights approach to the pandemic. The second was the [Policy statement on human rights in COVID-19 recovery planning](#), which provided government, service providers and other duty holders with principles and obligations for a human rights-focused recovery from the pandemic.
- The OHRC released the [Framework for change to address systemic racism in policing](#), which was among the OHRC's responses to the global trauma of the murder of George Floyd. It seeks to create new standards for equitable policing across Ontario.
- The OHRC, Peel Regional Police and the Peel Police Services Board moved forward on a human rights organizational change project

to address systemic racism in policing. This project, which was established through a memorandum of understanding, uses the seven principles in the OHRC's [Policy on eliminating racial profiling in law enforcement](#) as a framework for change and includes a focus on accountability through community engagement, a legally enforceable agreement and independent monitoring.

- The OHRC intervened in *Ontario v Association of Ontario Midwives* before the Court of Appeal for Ontario, to support the principle that duty-holders have an obligation to ensure they are not engaging in gender-based discrimination in the workplace regarding pay equity.
- The OHRC's ongoing engagement with First Nations, Métis and Inuit communities included a collaboration with Pro Bono Students Canada and the Ontario Federation of Indigenous Friendship Centres on issues related to discrimination faced by First Nations, Métis and Inuit people while shopping.

The scope of the OHRC's mandate is to deal with systemic issues. Thus, results emerge in different timeframes and may be captured over several reporting periods. So, the outcomes listed here represent part of a continuing activity, such as an inquiry.

In conclusion, I entreat all Ontarians to **reflect, reimagine** and **respond** to embedding human rights at the centre of everything you do. This strengthens our democracy – and leads to **results** that will benefit all of us.

Patricia DeGuire
Chief Commissioner

The Code at 60

Celebrating the anniversary of the Ontario *Human Rights Code*

In March 2021, the OHRC commemorated the OHRC's 60th anniversary with a virtual celebration on [YouTube](#). And on June 15, 2022, the OHRC begins commemorating the *Code's* anniversary. The OHRC will hold several events and produce an interactive timeline to help people engage with and learn more about the history of the *Code*.

Introducing the Daniel G. Hill Human Rights Awards

Many people across Ontario are making important contributions to advance human rights and equity, and their work often goes unacknowledged.

The OHRC has launched its first-ever awards to share, recognize and celebrate the achievements made to advance human rights across Ontario. The award is named the Daniel G. Hill Human Rights Award in honour of the first director and first Black chair of the OHRC. Awards will cover three categories: Young Leaders, Distinguished Service and Lifetime Achievement. The OHRC has received dozens of nominations which a special committee is currently considering. A virtual ceremony will be held on June 15, 2022, to announce the winners of the three awards, so join us on YouTube on June 15 to learn about and meet the winners.

Human Rights at 60: reflecting and reimagining

On June 23, 2022, the OHRC is co-hosting a full-day, virtual human rights conference with the Lincoln Alexander School of Law and Human Rights Services office of Toronto Metropolitan University, entitled Human Rights @ 60: Reflecting and Reimagining. Under the theme of systemic discrimination, the conference will feature scholars, practitioners and students with an interest in human rights law.

Cindy Blackstock, Executive Director of the First Nations Child and Family Caring Society of Canada, and Donna Young, Founding Dean of the Lincoln Alexander School of Law are keynote speakers.

Showcasing the history and evolution of the *Code*

The OHRC, in consultation with the Human Rights Legal Support Centre and the Human Rights Tribunal of Ontario, is excited to produce a multimedia interactive timeline that will showcase the evolution and highlight significant historical milestones of the *Code*. This timeline will be embedded on the [OHRC at 60](#) webpage for all viewers to visit and to learn more about the rich history of human rights in Ontario. The timeline will be geared to educators and students who wish to learn more about how human rights have evolved in Ontario.

Following the timeline release, the OHRC will launch an original podcast later in 2022. *Human rights: Recognizing the past, informing the present, and transforming the future* will feature guest interviews, examine why Ontario needed human rights protections, reflect on some key milestones in the 60-year history of the *Code*, and imagine what lies in the future for human rights in Ontario.

The podcast will include commentary by people whose individual actions led to important human rights advances along the way.

Stay tuned for more information

The OHRC will provide updates on the [OHRC at 60](#) webpage and on social media, with the latest details and launch dates for these celebratory activities.

Reflecting on history – how the *Code* came to life

Here is a glimpse of the origins and some of the historical steps that led to the Code as we know it today. Watch for more “reflecting on history” notes throughout this annual report.

Before the *Human Rights Code* was enacted in 1962, the world was struggling to cope with the aftermath – and the horrors – of World War 2. After realizing that inequity and intolerance were not the way forward, in 1948 the United Nations released the *Universal Declaration of Human Rights*, which paved the way for countries – and Canadian provinces like Ontario – to take a closer look at human rights.

Canada’s first human rights code, here in Ontario, all started with grassroots pressure, as individuals and communities banded together to push for a better way forward. This led to a variety of legislation being enacted in the mid-1940s and 50s, including the *Racial Discrimination Act* in 1944 and the *Fair Employment Practices Act* in 1951.

The government created Ontario’s Anti-Discrimination Commission in 1958. But there was one problem that hampered efforts to identify and eliminate discrimination – the Commission had no staff. This was somewhat rectified in 1961, when the Ontario Human Rights Commission was created with a small staff team led by Director Daniel G. Hill. Dr. Hill called human rights legislation the “skillful blending of educational and legal techniques in the pursuit of social justice.”

Once the OHRC was set up, the next challenge was to roll existing laws into one *Human Rights Code* for Ontario, which happened on June 15, 1962. The 1962 *Code* prohibited discrimination in signs, services, facilities, public accommodation, employee and trade union membership on the grounds of race, creed, colour, nationality, ancestry and place of origin.

On that day, Ontario became the first jurisdiction in Canada to establish a legally mandated human rights complaint system. The OHRC would review complaints, and if they were not resolved a formal Board of Inquiry would be set up to decide the issue. Boards of Inquiry would eventually evolve into what we now know as the Human Rights Tribunal of Ontario.

Reflecting on history

Even after the *Code* was enacted, problems persisted across Ontario. For example, in 1965, Amherstburg was the site of five days of racial incidents, including a cross-burning and the defacing of the Black Baptist Church. Someone even spray-painted the town sign to read “Home of the KKK.” The Commission stepped in to de-escalate the racial tension, but no arrests were made.

On June 30, 1972, the government expanded the *Code* to include the protected grounds of sex, marital status and age, although age protections only extended to people aged 40 or over.

In July 1977, the OHRC released its *Life Together* report following a two-year provincewide consultation. *Life Together* called for sweeping changes to the *Code*, and many would become law in the years that followed. Recommendations included giving the *Code* “primacy,” which means that unless a law specifically says otherwise, the *Code* takes precedence. Also recommended were extending protection from discrimination to contracts and by association, expanding who can make a human rights complaint from a single person to a class of persons, and adding the ability to deal with systemic discrimination.

This report also called on the government to add the grounds of marital status and age in housing, lower age provisions from 40 to 18 or over, and add the new protected grounds of disability, sexual orientation and criminal record.

COVID-19

Responding to the next challenges with COVID-19

The OHRC continues to provide human rights guidance to government, other duty-holders and the public on a range of issues related to the COVID-19 pandemic.

In 2021, the OHRC issued two key policy statements. In September, the OHRC released the [*Policy statement on COVID-19 vaccine mandates and proof of vaccine certificates*](#). This statement provided guidance that vaccine mandates are generally permissible under the *Code* if people are reasonably accommodated for *Code*-related reasons, and highlighted that personal preference and singular beliefs are not protected under the *Code*. The statement also urged governments and organizations to take proactive steps to make sure any enforcement of vaccine mandates or proof of vaccination policies does not disproportionately target or criminalize Indigenous peoples, Black and other racialized communities, people who are experiencing homelessness, or people with mental health disabilities and/or addictions. This policy statement became the “go-to” resource for the public and the media, and was cited regularly during public debate in favour of mandates.



Clare Bilek @ClareEMo77

This policy statement is consistent with what the consensus of the Canadian legal community has been [saying] for months: subject to the duty to accommodate, mandating and requiring proof of vaccines is permissible.



**Sandra Pakosh
@sandrapakosh**

Personal preference does not take precedent over public health + safety. Excellent OHRC

In November, the OHRC released a [*Policy statement on human rights in COVID-19 recovery planning*](#). The statement provides government, service providers and other duty-holders with principles and obligations for a human rights-focused recovery from the pandemic. The OHRC shared this statement with 17 ministers and the president of the Treasury Board Secretariat.

Since that time, the OHRC has met with a range of ministry staff on applying the statement, and will continue to monitor pandemic recovery efforts to make sure human rights obligations are being met.



**YWCA Toronto
@YWCAToronto**

We are so pleased to see the release of the @OntHumanRights policy statement on COVID-19 response. Do take a read and share it widely. #onpoli



Jasmine Ramze Rezaee
@JasmineRezaee

Proud to have contributed to some of @OntHumanRights recommendations for a human rights' centred, equitable recovery from COVID. #onpoli

Continuing to answer questions

As the pandemic changed and new issues emerged, the OHRC continued to update a series of online questions and answers on issues ranging from employer responsibilities to mask and vaccine mandates. In the past year, the questions and answers received 163,183 unique website views.

Critical care triage

Over the last year, the OHRC has continued to provide human rights guidance on critical care triage. In March 2021, the OHRC wrote a [letter](#) to the Minister of Health outlining ongoing human rights concerns and the need for public consultation, calling on the government to publicly release and consult human rights stakeholders and the OHRC on the latest versions of its proposed COVID-19 triage framework and the Emergency Standard of Care.

In April 2021, during the third wave of COVID-19, the OHRC published another [statement](#) urgently calling on the government to clarify the status of the Adult Critical Care Clinical Emergency Standard of Care for Major Surge protocol that was circulated to hospitals in January 2021.

The statement also called on the government to confirm that the *Health Care Consent Act* prevails to protect the rights of patients and families, and that hospitals should be required to promptly collect data on vulnerable groups most affected by the pandemic, including older people, people with disabilities, Indigenous peoples and Black and other racialized people admitted to ICUs and whenever critical care is withheld or withdrawn.

Fortunately, neither the critical care triage protocol and framework nor the Emergency Standard of Care were ever operationalized. Regardless, the OHRC continues to advocate for ongoing consultation to support the development of a protocol for future emergencies.

Media highlights

- Global News, September 22, 2021, "[Vaccine mandates permissible as long as those with exemptions are accommodated: Ontario commission](#)" (reach: 5,209,187)
- Toronto Star, September 24, 2021, "[Anti-vaxxers don't have a right to accommodations, Ontario human rights watchdog says](#)" (reach: 1,720,773)
- CP24, January 2, 2022, "[No 'one-size-fits-all' solution when it comes to vaccine mandates at work: experts](#)" (reach: 1,038,827)



Trudo Lemmens
@TrudoLemmens
@OntHumanRights

“calls on government to clarify status of Emergency Standard of Care circulated to hospitals in January. The government must confirm that the #HealthCareConsent Act prevails to protect the rights of patients and families at this time”

Sharon Bak @SDBak
Thank you for asking for this!!

Responding to concerns in education

Amid growing concerns of repeat school closures, in January 2022, the OHRC released a [statement](#) on the human rights impacts of Omicron and school closures, detailing the significant impacts that school closures have had on *Code*-protected groups. The statement echoes the call in the OHRC [policy statement](#) on COVID-19 recovery planning for a human rights-based approach to recovery, and specifically calls for an education recovery plan with targeted and intensive accelerated learning programs for groups most disadvantaged by the school closures. The OHRC continues to engage with the Ministry of Education on pandemic recovery efforts.

COVID in the justice sector

In May 2021, the OHRC issued a statement calling on Ontario’s justice sector to [fight COVID-19 by keeping prison custody numbers low](#).

The OHRC had previously written to the government sounding the alarm about the potential for COVID-19 outbreaks in Ontario’s correctional institutions – already burdened by extreme overcrowding – and the grave risk this posed for people both inside and outside these facilities. The OHRC and many others appealed to Ontario to do everything possible to decrease the number of people in custody.

Ontario responded. Through the collective efforts of police, courts, correctional staff and the government, within weeks the number of people in Ontario’s prisons dropped by about 30%. However, the custody numbers began rising again, with numbers at times nearly returning to pre-pandemic levels. The OHRC urged that it is critical to ensure once again that the numbers come down and stay down.

The OHRC continues to monitor the impacts of the pandemic on *Code*-protected groups, such as the significant rise in mental health disabilities and the long-term impacts of school closures. The OHRC also continues to provide timely advice on how duty-holders can meet their human rights obligations during this time and into the future.

Media highlights

- Law Times, June 9, 2021, “[Human rights commission urges province’s justice sector to keep prison population low amid COVID-19](#)” (reach: 16,527)
- Toronto Star, April 21, 2021, “[Confusion, anger and a viral video: Why Ontario’s flip-flop on arbitrary stops hasn’t addressed fears of police overreach](#)” (reach: 1,720,773)

Education

OHRC Right to Read inquiry results in major change

The Right to Read inquiry, which looked at human rights issues faced by students with reading disabilities, has already resulted in major changes for vulnerable students across Ontario. This was one of the most complex and intensive inquiries the OHRC had ever conducted.

When the *Right to Read* report on the inquiry was released in February 2022 to much community excitement, the OHRC called for critical changes to Ontario's approach to early reading, in areas such as curriculum and instruction, screening, reading interventions, accommodations and professional assessments.

The inquiry and resulting report have generated national debate, and international interest from as far away as the United States, Hungary and Australia.

The right to read is a human right

In November 2012, in *Moore v British Columbia (Education) (Moore)*, the Supreme Court of Canada unanimously determined that learning to read is not a privilege, but a basic and essential human right.

The Court held that human rights laws in Canada protect the rights of all students to ensure an equal opportunity to learn to read. Many hoped that the decision would act as a catalyst for systemic change in Ontario's education system, not just for students with reading disabilities, but for ALL students.

However, the Right to Read inquiry found that Ontario is not fulfilling its obligations to meet students' right to read.

The inquiry found that by not using evidence-based approaches to teach students to read, Ontario's public education system is systematically failing students with reading disabilities (such as dyslexia) and other students. As a result, many students are at risk for significant life-long difficulties and the potential for intra-and intergenerational problems.

Inquiry details

Building on its previous work on accessible education, the OHRC launched the inquiry in October 2019. The OHRC worked with two experts in reading development and reading disabilities, Dr. Linda Siegel and Dr. Jamie Metsala, to analyze significant information obtained from a representative sample of eight English-language public school boards, all 13 Ontario English-language public faculties of education, and the Ministry of Education.

The inquiry also heard from thousands of students, parents, organizations, educators and other professionals through surveys, public hearings, a community meeting, engagements with First Nations, Métis and Inuit communities, artwork, emails, submissions, meetings and telephone calls.

The inquiry, the first of its kind in Canada, combined the OHRC's expertise in human rights and systemic discrimination with Dr. Siegel and Dr. Metsala's expertise in reading development, reading disabilities/

dyslexia, interventions to improve reading and the extensive body of research science.

The inquiry focused on word-level reading and the associated early reading skills that are a foundation for good reading comprehension. This focus was chosen because of the ongoing struggle for Ontario students to receive evidence-based instruction in these foundational skills; the difficulty in meeting early reading outcomes for many students, often from marginalized or *Code*-protected groups; research recognizing the importance of instruction in these foundational word-reading skills; and the recognition of the rights of students with dyslexia in the *Moore* decision.

However, literacy goes beyond the ability to read and write proficiently. It includes the ability to access, take in, analyze and communicate information in a variety of formats, and interact with different forms of communication and technologies.

Becoming fully literate also requires a comprehensive approach to early literacy, and instruction that focuses on word-reading skills, oral language development, vocabulary and knowledge development and writing.

We reflected, reimagined, responded

Right to Read included over 150 recommendations to the Ministry of Education, school boards and faculties of education on how to address systemic issues that affect the right to learn to read, including:

- Adopting a new Kindergarten Program and Grades 1 to 8 Language curriculum that features direct and systematic instruction in foundational

reading skills, and preparing current and future teachers on evidence-based approaches to teaching students to read

- Screening every student, at least twice a year from Kindergarten to Grade 2, to identify students at risk for reading difficulties, using standardized, evidence-based screening tools
- Standardizing and providing stable funding for evidence-based reading interventions
- Making access to interventions equitable for all students
- Providing and supporting timely and effective accommodation, including greater access to evidence-based software and assistive technology
- Improving access to professional assessments and ensuring greater consistency and transparency in the assessment process
- Setting clear and consistent standards for school boards and mandating better data collection, analysis and reporting
- Improving communication with students and parents
- Working with experts in the science of reading to implement the OHRC's recommendations.

While the OHRC's inquiry focused on reading disabilities, the report also included recommendations to bring much-needed changes to the disability accommodation process and require clear dispute resolution mechanisms to support all students with disabilities and their families.

The OHRC called on all partners in Ontario's education system to meet their responsibilities and legal duties under the *Ontario Human Rights Code* to remove barriers that limit students' opportunities to learn and succeed.

This work will require many partners to collaboratively implement system-wide changes. It will also require sufficient, stable and ongoing funding.

Immediate government response

The Ministry of Education's immediate response to the OHRC's recommendations includes: aligning the elementary English and French language curricula with scientific, evidence-based approaches that emphasize direct and systematic instruction and eliminate the three-cueing system by September 2023; and collaborating with partners, including faculties of education, on professional development for educators. The Ministry also confirmed that \$25 million in funding for evidence-based reading intervention programs and professional assessments will be available in 2022–23.

The OHRC is pleased with the Ministry's immediate response. Throughout the inquiry process, the Ministry has been receptive to hearing from the OHRC. The immediate response includes several positive steps that are aligned with key OHRC recommendations. We will continue to call for change, including revising the Kindergarten Program and ensuring universal early screening.

The community responded

The OHRC has received dozens of positive statements of support from individuals and organizations across Ontario. As well, school boards and other partners are making a commitment to implement our recommendations. And in an open letter to the Ministry, 61 high-profile individuals and organizations told the Ministry that implementing our recommendations was the most important thing the Ministry can do for equity.

Here is a sampling of other responses:

“When your report came out – the shot heard around the world – I was curious about how it would be messaged. This is a solvable problem. Sometimes we get so mired in the realities and the difficulties, sometimes we forget that we can actually solve it...how many of the recommendations will you check off...the real question is how much we should value the children.”

- Karim Weaver, award winning teacher, administrator, member of Oakland NAACP Reading Committee, speaking at the [IDAO Right to Read Symposium](#)

“The Children's Aid Society of the District of Thunder Bay fully supports the work of the Commission and believes this inquiry is critical in bringing about necessary changes to meet the needs of students with reading disabilities in Ontario's public education system. The Society works with vulnerable and at-risk populations and we often see children and youth that lag behind their peers and fall below grade level due to gaps and inequities. In our region, extensive wait lists for assessments are one example, and this delay often means a negative trajectory for a child's potential and future functioning. As the inquiry has outlined, there is a need for early screening, accessible and timely professional assessments, evidence-based curriculum and reading interventions, and effective and consistent accommodations. The Society supports these recommendations and the Right for all children to Read.”

- Diana Mellerup, Manager, Marley Joblin, Education Liaison, Children's Aid Society of the District of Thunder Bay

“Thank you for the opportunity to comment on the release of the Right to Read inquiry report. Children and youth with reading difficulties are suffering, as I see in my paediatric practice on a daily basis. This is all the more disturbing when I know there are effective systematic instructional practices that can prevent reading failure. I welcome the results of the OHRC Right to Read inquiry, and encourage school boards and teachers’ colleges to start the work of implementing the recommendations consistently across the province. It’s time for the government to show us they do want the best education for our students by introducing curriculum change that implements the Right to Read inquiry recommendations. This is a public health issue!”

– Dr. Nicola Jones-Stokreef,
Developmental Paediatrician

“The Ontario Association of Speech-Language Pathologists and Audiologists (OSLA) applauds the Ontario Human Rights Commission (OHRC) on the results of the Right to Read inquiry. In particular, we support the emphasis on evidenced-based approaches to reading intervention programs and advocate that every Ontario school board has these interventions available to all students who require them... OSLA is committed to protecting every student’s right to read and supports the timely implementation of the report recommendations to further that goal.”

– Kelly Murray, Chief Executive Officer, Ontario Association of Speech-Language Pathologists and Audiologists (OSLA)

The FNMIEAO recognizes First Nation, Metis and Inuit students continue to face disproportionate outcomes in their overall education. The unique and diverse needs of First Nation, Metis and Inuit students compiled with a lack of access to timely, appropriate services and academic support continue to leave First Nation students, families and communities underserved.

The findings within the inquiry demonstrate a concise overview of the issues affecting Indigenous students within the province of Ontario. Indigenous students, families and communities have a right to education that supports and values their language, culture and histories. It is imperative the system addresses the needs of Indigenous students with the support and direction of their families and communities.

Faced with systemic and institutional racism and dominant colonial knowledge systems, First Nation, Metis and Inuit students continue to be negatively impacted by the lack of access to appropriate trauma-informed services and regular and ongoing cultural support by their own people.

We call on all education stakeholders to address systemic and institutional racism that create and perpetuate barriers to accessing special education services for Indigenous students and families. And further, we call on all stakeholders to develop bias-free policy, procedures and services that respond to and support Indigenous students’ and families’ needs in

manners that uphold the principles of the United Nations *Declaration of Indigenous Peoples* and the *Truth and Reconciliation Calls to Action*.”

- Nataalka Pucan, Language Co-Chair, First Nations, Métis & Inuit Education Association of Ontario (FNMIEAO)

“Our teachers want and deserve to be empowered with the knowledge, skills and resources necessary to teach every child to read. We cannot afford to continue to ignore the science. We cannot accept half-measures that pick and choose components of evidence-based instruction to layer on top existing in-effective out of date practices. And we cannot allow the province to provide only “optional guidance” for school boards to leave or take. Because every child, regardless of postal code or family income, has the right to be taught to read and the right to a future.”

- Alicia Smith, President International Dyslexia Association of Ontario

What happens next?

Releasing the report does not represent the end of the inquiry – instead, this is just a starting point. In the past, we have been persistent in advocating for systemic changes, long after reports were released. We will do the same with the Right to Read inquiry.

During the inquiry, we started the process of calling on government and education partners to make substantive changes. After releasing the report, the OHRC continues to push for changes and work with communities to do so. The OHRC is committed to working collaboratively

with the Ministry, education partners and affected communities to ensure that the shared goal, to help every child realize their right to learn to read, is achieved.

“Students are not just being denied an equal right to read – their future, and the generations that follow, could be impacted. Learning to read is critical in building a life-long sense of personal empowerment. It fundamentally shapes how we learn, work and socialize; builds self-confidence; improves employment opportunities; and enhances physical, emotional, and mental well-being.”

- Patricia DeGuire, Chief Commissioner

At the KPDSB, 47% of our students self-identify as First Nations, Metis or Inuit. The KPDSB appreciates that the final report explores the historical and current challenges that exist, such as colonialism, racism and assimilationist policies, ongoing oppression, racism, and how these things impact the experience and effect of trauma and the associated Impact on the ability to learn to read. We agree with the recommendations made in this area...The KPDSB is committed to implementing the recommendations of the OHRC Right to Read Report. We are committed to providing teachers and support staff with adequate training for screening, assessments, instructional strategies and interventions. We will ensure that students are provided with barrier-free interventions that are supported by scientific evidence. We have set clear standards for accommodations and modifications and greater access to professional development for teachers to be able to support students in the classroom.”

- Keewatin Patricia District School Board

Media highlights

- CBC News, February 28, 2022, "[Ontario to revamp approach to literacy in schools after report calls for change](#)" (reach: 7,414,320)
- Toronto Sun, March 1, 2022, "[Ontario schools need sweeping changes to help children learn to read: Human Rights Commission](#)" (reach: 1,014,243)
- Toronto Star, March 10, 2022, "[Many students are being denied the 'right to read.' Ontario Human Rights Commission issues 157 calls to action](#)" (reach: 1,720,773)

Telling the story online

Along with over 35 media stories, the release of *Right to Read* generated one of the highest online responses in the OHRC's history. Here are some highlights:

- 67 tweets by the OHRC
- Over 300K Twitter impressions
- 5.4K Twitter post engagements between Feb 23 and March 28
- Top tweet about key findings had 104,459 impressions, 240 retweets, 533 likes and 27 replies
- 15,245 unique page views of the report on the OHRC website
- 16,149 views of the news conference livestream; 46.6K total YouTube channel views
- +3,500 downloads of a social media kit that helped followers send consistent designed messages
- 1,200 new Twitter followers; +200 new Facebook fans.



OCTSA @CatholicEdu

OCSTA welcomes the Ontario Human Rights Commission's Right to Read Inquiry report released today. The report reflects the deep commitment of Catholic school boards to ensuring that each student, regardless of learning challenge, has meaningful access to excellence in education

David DeSantis @DavidDeSantis22

Our board is very proud to have the Science of Reading as a key action in our Multi-Year Strategic Plan. We see the #RightToRead as a social justice issue that needed to be addressed in the best interests of all our students. @alcdsb #ALCDSBMYPSP

Usha Shanmugathan @ushashan43

Now that the Right to Read report is out, I'd like to see advocacy and outrage for the systematic cuts to public education. Also lower class sizes. This is also a social justice issue. @OntHumanRights #RightToRead

Una Malcolm @unamalcolm

This! Multi-tiered evidence-based instruction (recommended by @OntHumanRights) is a bottom-up initiative. Improving core instruction for all allows for the instructional intensity necessary to meet the needs of students who need it the most. Prevention is the first intervention.



Daniela O'Neill
@daniela_oneill

You managed to get in so many key and important points in such a short time! #RightToRead #ScienceofReading #parenting #OntEd #StructuredLiteracy

Decoding Dyslexia @dyslexiaON

The @OntHumanRights #RightToReadInquiryReport should be parking conversation and change not only in Ontario, but across Canada. Many of the identified barriers to ensuring the RightToRead exist, the need ID, they require dismantling via change.

In our submission, we said that school board trustees must be accountable to the school community, the government and the general public. The minimum standards for codes of conduct should require trustees to respect, protect and promote human rights at the board and throughout the education system they govern.

The OHRC supports the Ministry of Education's intention to identify and require, through statutory regulation, minimum standards for trustee codes of conduct, including ensuring human rights are consistently upheld across all publicly funded school boards. We are particularly interested in measures to ensure trustees are held accountable if they fail to fulfill their legal obligations under the Ontario *Human Rights Code*.

Strengthening accountability for school board trustees

In the past year, communities have raised concerns about school board trustees engaging in discriminatory conduct, including making homophobic, Islamophobic and racist comments. There appears to be no set way to remedy these issues, even though the Supreme Court of Canada has recognized that school boards must foster an atmosphere of tolerance and respect and cannot rely on the personal views of some individuals to deny equal recognition for the human rights of other members of the school community.

That's why the OHRC was pleased to respond to the Ministry of Education's [consultation on strengthening accountability for school board trustees](#).



Flamborough Review
@FlamReview

In the wake of a scandal about racism involving Hamilton public school board trustees, Ontario's Ministry of Education has launched consultations on "strengthening" trustee accountability.

Melanie Van Alphen
@MelVanAlphen

Thankful for Njeri Damali Sojourner - Campbell for presenting to @CatholicEdu trustees regarding School Board Leaders, Anti-Black Racism, and the OHRC. Boards have a responsibility to "promote a school climate that is inclusive & accepting of ALL students"



Dr. Rima Berns-McGown
@beyrima

Ontario can't eliminate the systemic anti-Black racism in its schools when trustees act to perpetuate it. I stand with @HS4JUSTICE & the students: The trustees need to resign ON needs strong anti-racist policy that disqualifies racist trustees. No excuses. #onted @sflecce

Responding to the calls from the community

Over the past few years, issues such as *racism*, *COVID-related inequities* and world events have shone a greater spotlight on the need to respect and advance human rights in Ontario. Many of the community calls are not new – they often speak to issues that have existed for decades or longer. The rise of social media and more intense media coverage of community concerns, combined with increasing expectations for accountability, are having a significant effect on the OHRC today and into the future. The OHRC has moved into a greater spotlight than it has experienced in many years, and faces growing expectations to support and answer community calls that are arising across Ontario.

For example, on January 21 and February 25, 2022, Chief Commissioner DeGuire met with Parents of Black Children (PoBC), an advocacy group working to support families and facilitate equitable outcomes for Black children, by calling for accountability and transformational change. In March 2022, PoBC released a report, [*A Call to Action: Systems abuse of Black students within Ontario's education system.*](#)

Report highlights included:

- Black educators' experiences of anti-Black racism
- Black families' experiences of anti-Black racism
- Systems abuse
- Anti-Blackness and trauma in the classroom
- The collection of PoBC anti-Black racism data
- Supporting students through PoBC systems navigation.

PoBC asked the OHRC to launch a public inquiry into systemic racism within the education sector (school boards). While the OHRC was unable to commit to an inquiry, it has engaged in many efforts to monitor closely these long-standing systemic issues and continues to seek meaningful and practical ways to find solutions. As the OHRC embarks on its upcoming strategic planning exercise, one of the challenges will be to continue to engage, respond and be accountable to communities' calls from across Ontario, to work on existing human rights issues and be ready to step up when new issues emerge.

Education: reimagining civics and citizenship

In May 2021, the OHRC provided a [submission](#) to the Ministry of Education's consultation on the Grade 10 Civics and Citizenship curriculum. The OHRC called for inclusion of specific learning expectations on the rights and responsibilities set out in the *Human Rights Code*, including the concepts of "discrimination," "systemic discrimination," "substantive equality" and *Code* primacy. The current curriculum is silent on the *Code* and all these concepts.

The submission also highlighted the *Code*-based lesson plans for the Civics course that the OHRC is developing with the Ontario Justice Education Network and the First Nations, Métis and Inuit Education Association of Ontario.

The Ministry released its new Civics curriculum in April 2022 and the OHRC is troubled to see that there are still no objectives for learning about Ontario's *Human Rights Code* and system.

Reflecting on accessibility in education

In 2017, consistent with the *Accessibility for Ontarians with Disabilities Act (AODA)*, the Ontario government set up two Education Standards Development Committees to develop accessibility standards in the area of education, one for [Kindergarten to Grade 12 education](#), and one for [post-secondary education](#). The committees were also to work together to consider barriers that can occur as students transition from elementary to high school and after post-secondary education. In 2019, the OHRC delivered training to the committees on the *Code* and the OHRC's *Policy on accessible education for students with disabilities*.

In November 2021, the OHRC provided submissions on the initial recommendations report of each committee. The OHRC was pleased to see human rights principles and obligations affirmed throughout the recommendations in each report.

In general, the recommendations in both initial reports appear consistent with the *Code* and the OHRC's [Policy on accessible education for students with disabilities, 2018](#), including principles and recommendations on training for educators and other staff, data collection and reporting, and dispute resolution (complaint) mechanisms. We provided specific comments and asked each Standard's Development Committee to consider several issues, including:

Kindergarten to Grade 12:

- Service animals
- Effective disability accommodations provided in a timely way
- Further consideration of needs of students with specific disabilities (Deaf or hard of hearing, developmental disabilities, etc.)
- Mandatory early screening for reading
- Evidence-based reading interventions
- Universal Design for Learning (UDL)
- Unnecessary requirements for professional assessments.

Post-secondary education:

- Inclusion of Universal Design for Learning
- Disability documentation requirements
- Service animals
- Mandatory leave policies or procedures.

The OHRC will continue to monitor development of the accessibility standards for education under the *AODA*.

Calling for action on systemic discrimination in colleges, universities

Over the past few years, the OHRC has received concerning reports that Indigenous, Black and racialized students were experiencing significant discrimination, xenophobia and targeting on campuses and in academic environments across Ontario. Students and student groups described in detail how school administrators and institutional mechanisms for handling formal and informal complaints had failed to effect change.

We wrote to all colleges and universities in Ontario, first in December 2020 and then in April 2021, and asked them to identify what actions their administrations were taking to provide equitable and inclusive learning environments, including efforts to investigate discrimination and harassment in a timely and effective way. We wanted to better understand what steps they were taking to lead in creating and sustaining equitable and inclusive education environments.

We called on these institutions to take meaningful steps to better understand the experiences of students who are seeking more respectful, equitable and inclusive academic environments, and to make certain that discrimination and harassment are not tolerated.

Over a dozen institutions responded to our letter and detailed their institutional structures and ongoing efforts to address systemic discrimination, including anti-Black and anti-Indigenous racism, and what steps they are taking to prevent future occurrences.

In November 2021, 18 of Ontario's 47 post-secondary institutions had also signed onto the Canada-wide Scarborough Charter on anti-Black racism and Black inclusion.

Every education provider in Ontario – including colleges and universities – has a duty to create safe and inclusive places to study, and to remove systemic barriers to participation. We will continue to monitor these obligations.

Media highlights

- Law Times, January 12, 2021, "[Human Rights Commission urges colleges, universities to ensure equitable, inclusive environments](#)" (reach: 16,527)
- TVO, February 9, 2022, "[‘Clamouring for action’: How colleges and universities are tackling anti-Black racism](#)" (reach: 152,855)



OUSA @OUSAhome

OUSA supports

@OntHumanRights letter

calling on Ontario post-secondary institutions to do better in creating and sustaining equitable and inclusive education environments.

Natasha Daley @NatashaDaley

When the Ontario Human Rights Commission drafts an open letter: Anti-Black racism within academic institutions is not a matter that should ever be taken lightly.

Unleashing eLearning potential

Since 2020, the OHRC has been re-issuing its eLearning modules in an updated, mobile-friendly format. This continued in the past year, as the OHRC embarked on a project to further reflect industry advances in accessibility for assistive technology. CBC Radio Canada took notice and adopted a redesigned eCourse, *Call it out: racism, racial discrimination and human rights* for nationwide training for its 5,000 staff. This collaboration has helped unleash the potential for the OHRC to create more universally accessible versions of all its eLearning modules. Updated modules will begin to appear on the OHRC website in the spring and summer of 2022. All the OHRC's offerings will also soon be fully compatible with all devices, and available for organizations to use with their own learning management systems.

Education Advisory Group continues to guide, teach

The OHRC continued to meet with members of the Education Advisory Group, who offer an extensive knowledge

of education issues, and are providing valuable feedback on current and emerging education issues and priorities. The group offered key guidance during the Right to Read inquiry, and continues to share its insights as the OHRC works to bring the report's recommendations to life. As well, the group provided critical guidance during the past year as the OHRC identified and provided guidance on education issues and barriers arising from COVID-19.

Current Education Advisory

Group members:

- Lindy Amato, Ontario Teachers' Federation
- Amy Cooper, Equitas
- Jim Costello, Council of Ontario Directors of Education
- Rachel da Silveira Gorman, Critical Disability Studies, York University
- Josh Hill, Ontario Student Trustees' Association
- Dr. Carl James, Faculty of Education, York University
- Annie Kidder, People for Education
- Justine Mackay, Ontario Student Trustees' Association
- Nataalka Pucan, First Nations Métis & Inuit Education Association of Ontario
- Jessica Reekie, Ontario Justice Education Network
- Cecil Roach, York Region District School Board
- Colleen Russell-Rawlins, Peel District School Board
- Jodie Williams, First Nations, Métis & Inuit Education Association of Ontario
- Dianne Wintermute, ARCH Disability Law Centre
- Lynn Ziraldo, K-12 Education Standards Development Committee
- Patrick Case, Education Equity Secretariat, Ministry of Education (attends occasionally by invitation)

Indigenous Reconciliation

From reflection to reform

The OHRC is committed to engaging in sustained and trusting relationships with First Nations, Métis and Inuit communities that are built on dignity and respect, and on working to advance reconciliation and substantive equality.

Part of this work involves building the OHRC's own cultural competence to ensure it can serve as a credible, trustworthy and knowledgeable agent of change. The OHRC has developed and is implementing a plan to achieve this. By the end of this fiscal year, OHRC managers and staff will have completed San'yas Indigenous Cultural Safety training. And, by the end of the coming year, managers and staff will have taken part in Bimickaway cultural competence training for justice sector workers, delivered by the Indigenous Justice Division of the Ministry of the Attorney General.

The OHRC is also committed to working with an Elder or Knowledge Keeper to learn more about the Traditional Territory and Treaty Lands of the Mississaugas of the Credit First Nation on which the OHRC's office is based.

Advancing reconciliation and substantive equality effectively also requires that the OHRC recognize and reflect on the historical and enduring ways that colonialism continues to affect Indigenous communities and to shape institutions and systems, including the OHRC itself. The OHRC is engaging in critical self-reflection to recognize the ways colonialism continues to influence our policies, practices, structures and relationships, and to identify steps we can take to decolonize.

While our decolonization journey has just begun, we are committed to taking ongoing meaningful and transformative action.

Responding to anti-Indigenous discrimination in retail settings

The OHRC is collaborating with Pro Bono Students Canada (PBSC) and the Ontario Federation of Indigenous Friendship Centres (OFIFC) to support the development of a fact sheet and podcast on issues related to discrimination faced by First Nations, Inuit and Métis people while shopping. These education materials will explore discrimination experienced by members of First Nations when using status cards, as well as racial profiling and other forms of increased surveillance experienced by First Nations, Inuit and Métis people. The products will be geared toward an Indigenous audience but will also help retailers and security staff understand their legal obligations.

Indigenous law students from the University of Toronto will research, write and produce the materials, with the OHRC's guidance. The law students are involved in the Indigenous Human Rights Program (IHRP) and employed by PBSC.

The [IHRP](#) is a partnership between PBSC and the OFIFC. The program's goal is to combat anti-Indigenous racism and discrimination by working with friendship centres to build knowledge about human rights among urban Indigenous communities, and by empowering individuals to make decisions about their rights.

The program involves launching free human rights legal clinics housed in Indigenous Friendship Centres. Staffed by law students and pro bono human rights lawyers, the clinics aim to deliver culturally appropriate human rights assistance in a safe and welcoming setting, and to help fill a long-standing gap in legal services for Indigenous peoples. The program also produces a podcast series focusing on the experiences of Indigenous people at human rights tribunals across Canada.

In addition to supporting the work on the fact sheet and podcast, the OHRC is an active member of the IHRP Advisory Council and delivers training on Ontario's human rights legislation and system for law students taking part in the program.

Continuing to engage with Indigenous partners

The OHRC continued to focus on meaningful engagement with First Nations, Métis and Inuit organizations across Ontario. For example, in June and July 2021, former chief commissioner Ena Chadha met several times with Gertie Mai Muise, the newly appointed Executive Director of the Ontario Federation of Indigenous Friendship Centres (OFIFC), as well as staff from the OFIFC and the Human Rights Legal Support Centre's Indigenous Services team. Discussions focused on renewing the terms of a memorandum of understanding between the OFIFC and the OHRC to support an ongoing collaborative relationship, and to support ongoing work on the Indigenous Human Rights Program initiated by the OFIFC and Pro Bono Students Canada. Further meetings are planned for the coming year.

In February 2022, Chief Commissioner DeGuire met with President Margaret Froh and staff members from the Métis Nation of Ontario (MNO). This was an excellent opportunity for the OHRC to gain a better understanding of the experiences of Métis people in Ontario, the creation, governance structure and services provided by the MNO, and the MNO's long struggle for recognition of Métis rights, culminating in the 2019 *Métis Government Recognition and Self-Government Agreement* between the MNO and Canada. The OHRC will continue to engage with the MNO on areas for positive collaboration.

Engagement extends well beyond meetings with the OHRC Chief Commissioner. While these meetings help to set the tone for dialogue and partnership, OHRC staff are actively engaged in helping to bring the collaborative vision to life. For example, staff from the OHRC's Policy, Education, Monitoring and Outreach branch have met several times with the First Nations, Métis and Inuit Education Association of Ontario to seek guidance in making sure the human rights lesson plan package being developed for Ontario's Grade 10 Civics and Citizenship curriculum includes Indigenous perspectives and content.

As well, the OHRC engaged extensively with a wide range of Indigenous stakeholders during its Right to Read inquiry. The *Right to Read* report includes a major section that shares the experiences of First Nations, Métis and Inuit students, families and educators. It also includes recommendations that will help make sure Indigenous students equitably benefit from the human right to learn to read.

Indigenous Reconciliation Advisory Group update

The OHRC's Indigenous Reconciliation Advisory Group continues to include members from diverse First Nations (on-reserve and off-reserve), Métis and Inuit communities and organizations including youth and Elders. The Human Rights Legal Support Centre and Canadian Human Rights Commission also take part.

The advisory group met by videoconference in January 2022. The OHRC provided a pre-launch briefing on the *Right to Read* report, including the section focusing on First Nations, Métis and Inuit experiences. Members also discussed concerns related to fraudulent claims of Indigeneity by employment candidates.

In addition, nine members of the advisory group have volunteered to take part in a working group to provide guidance on the development of a policy elaborating on the human rights of First Nations, Inuit and Métis people in Ontario.

Current members:

- Karen Drake (Co-Chair), Associate Dean (Students) & Associate Professor, Osgoode Hall Law School, York University and former Commissioner, Ontario Human Rights Commission (OHRC)
- Brian Eyolfson (Co-Chair), Commissioner, OHRC
- Giidaakunadaad (Nancy Rowe), Knowledge Keeper, Mississaugas of the Credit First Nation (MCFN)
- Joel Abram, Grand Chief, Association of Iroquois and Allied Indians
- Brian David, former Director of the Akwesasne Justice Department and former member of Council, Mohawks of Akwesasne
- Barb General, Director of Justice, Six Nations of the Grand River
- Gabrielle Heroux, Canadian Human Rights Commission
- Jeffery Hewitt, Assistant Professor, Osgoode Hall Law School, York University
- Ray Hookimaw, Feathers of Hope
- Luke Hunter, Director of Governance and Treaty Implementation Nishnawbe Aski Nation (NAN)
- Marian Jacko, Assistant Deputy Attorney General, Indigenous Justice Division, Ministry of the Attorney General (MAG)
- Francis Kavanaugh, Ogichidaa (Grand Chief), Grand Council Treaty #3 (GCT3)
- Amanda Kilabuk, Executive Director, Tungasuvvingat Inuit (TI)
- Dalton Latondresse, Region 7 Youth Representative, Métis Nation of Ontario Youth Council
- Coralee McGuire-Cyrette, Executive Director, Ontario Native Women's Association
- Gertie Mai Muise, Executive Director, Ontario Federation of Indigenous Friendship Centres (OFIFC)
- Ramona Reece, Human Rights Advisor, Human Rights Legal Support Centre
- Jennifer St. Germain, Chief Strategy Officer, Métis Nation of Ontario (MNO)
- Maurice Switzer, Principal, Nimkii Communications and former commissioner, OHRC

Criminal Justice

Framework for change: 10 key steps to reimagine policing

On July 21, 2021, the OHRC released its *Framework for change to address systemic racism in policing (Framework)*, calling on Ontario to make legislative and regulatory changes to directly address systemic racial discrimination in policing across the province. The *Framework* includes 10 essential steps for eliminating discriminatory practices from policing across the province. The *Framework* is based on the decades of work the OHRC has conducted on policing, including its ongoing inquiry into racial profiling and racial discrimination of Black persons by the Toronto Police Service (TPS).

The 10 steps featured in the *Framework* are:

1. Implementing a Crown pre-charge screening process to address disproportionalities in over-charging and racial profiling
2. Implementing all appropriate standards, guidelines, policies and strict directives to reduce and eradicate racial profiling and racial discrimination in policing, including:
 - a. Adopting the OHRC's definition of racial profiling
 - b. Regulating stop and question policies and practices
 - c. Prohibiting the use of race in suspect, victim or witness selection, unless the police are dealing with a sufficiently specific description
 - d. Expanding data collection by mandating race-based data collection and analysis across a broad spectrum of officer activities, and specifically including stop and question, charges and arrests
 - e. Implementing early intervention systems in all police services
3. Amending the Ontario Use of Force Model so that officers are required to exercise de-escalation techniques and tactics, whenever possible, before resorting to use of force
4. Modernizing and civilianizing police services
5. Amending section 17 of the *Mental Health Act* to facilitate non-police responses to issues related to mental health, substance use or homelessness
6. Reviewing the use of School Resource Officers
7. Amending the *Police Services Act* and/or the *Community Safety and Policing Act, 2019*, so there is greater transparency on police discipline
8. Making legislative or regulatory changes to make sure court or tribunal findings of discrimination or other *Human Rights Code* violations by police officers are appropriately investigated and addressed as potential misconduct
9. Amending the *Police Services Act* and/or the *Community Safety and Policing Act, 2019*, so there is independent investigation of police complaints
10. Amending O. Reg. 267/10 on the Special Investigations Unit (SIU) to allow police services to share information with the public while an SIU investigation is ongoing.

Each step in the *Framework* responds to a challenge facing police services in Ontario and draws on leading practices that have been used to address similar concerns in other jurisdictions. For example, improving outcomes for persons experiencing a mental health crisis during a police interaction is a pressing concern addressed by the *Framework*. While the OHRC applauds moves to improve training and expand mobile crisis teams in some regions, these programs have not been consistently implemented across the province and must work around current legislation. For example, section 17 of the *Mental Health Act* gives police officers the power to apprehend a person who is experiencing a mental health crisis to transport them to an appropriate place for a medical examination by a physician. This power is not conferred on other mental health professionals. As a result, in some circumstances, mental health professionals are compelled to call for police intervention. This requirement may undermine the development of new crisis response programs that aim to reduce the number of calls that require police response.

The OHRC has consulted with the Canadian Mental Health Association (CMHA) about leading practices for first response crisis services and learned about successful models that divert a significant number of calls away from police services and reduce the strain on local hospitals. To support the expansion of these programs, government must create a legislative framework and contribute sustainable funding to allow trained mental health professionals to lead the response and care provided to people experiencing crisis across Ontario.

Expert analysis of charge data from the TPS inquiry reveals that Black persons are grossly overrepresented in discretionary, lower-level charges, and are more likely than White people to face low-quality charges with a low probability of conviction. This issue is not limited to Toronto. Unfortunately, concerns about the disproportionate number of Indigenous, Black and other racialized groups facing charges spans the province. In response to this issue, and the ongoing concerns about the large number of criminal cases before our courts, the *Framework* recommends implementing pre-charge screening.

As part of this process, a Crown Prosecutor would review and approve charges before the police can lay them. British Columbia, Quebec and New Brunswick have effectively implemented pre-charge screening systems. Also, a pre-charge screening pilot project, conducted at RCMP detachments in three communities in Alberta, found that the screening process reduced the number of charges laid by 29% and cases started by 21%. By reducing the overall number of charges and ensuring that systemic bias is traced during the screening process, pre-charge screening has the strong potential to address systemic bias in the criminal charge process.

The OHRC's own research, and reports such as Justice Michael Tulloch's *Report of the Independent Police Oversight Review*, and the OIPRD's *Broken Trust: Indigenous People and the Thunder Bay Police Service*, have documented concerns about the mistrust that exists between racialized communities and the public police complaint process. A primary concern is that most public complaints about an officer's conduct are investigated by the same service that received the complaint.

For example, in 2018–19, 90% of police conduct complaints were investigated by the same police service the complaints were filed against. The *Framework* calls for amendments to the *Police Services Act* and the *Community Safety and Policing Act, 2019*, that would mandate that all investigations and adjudications of police misconduct be carried out by an independent body, and that misconduct be determined on the civil standard of a balance of probabilities.

The *Framework* was well received by key stakeholders in the community safety and well-being sector. The Canadian Mental Health Association Ontario [supported](#) the OHRC’s calls to for a provincial framework to address systemic racism and discrimination in policing. As well, the Ontario Association of Chiefs of Police and the Toronto Police Services Board supported the OHRC’s desire to work collaboratively with the province to discuss key tenets of the *Framework*. The OHRC continues to look forward to working with various community safety stakeholders to bring about the changes outlined in the *Framework*.

Media highlights

- Global News, July 29, 2021, [“Crown pre-charge screening would reduce racial profiling in Ontario, commission says”](#) (reach: 5,209,187)
- CBC News, July 30, 2021, [“Ontario Human Rights Commission calls on province to address systemic racism in policing”](#) (reach: 7,414,320)
- Lawyer’s Daily, August 10, 2021, [“Ontario human rights body’s framework on racism in policing supports A2J: chief commissioner”](#) (reach: 18,895)



Police Association of Ontario (PAO)
@PoliceAssocON

Today, @OntHumanRights released a Framework for change on systemic racism in policing. @PoliceAssocON is committed to fully reviewing the OHRC’s recommendations. Everyone has a responsibility to do their part to break down systemic racism in our society and institutions...

Mark Baxter @PresidentPAO

An important thread. As @PoliceAssocON President, I am committed to working collaboratively with policing stakeholders and the provincial government to ensure the rightfully-high expectations of all Ontarians, notably our equity-seeking communities, are consistently exceeded.

Trevin David @TrevinDavid

A must-read for any criminal lawyer on racial profiling (& the OHRC’s other reports). The OHRC is at forefront in providing analysis & data to show racial profiling’s prevalence here in Toronto.

Reimagining together: the Peel Police project

Nearly three decades ago, in 1995, the *Report of the Commission on Systemic Racism in the Ontario Criminal Justice System* was released. It confirmed what Indigenous, Black and other racialized communities had been pointing out for several years – that racist policies, processes and practices were embedded within the system – and shaped public discussions about how systemic racism might be addressed in the years that followed.

Despite this context, the most high-profile part of the criminal justice system, policing, has remained stubbornly resistant to meaningful change, as indicated by multiple OHRC reports on systemic racism in policing. While it is common for representatives of police organizations to issue verbal condemnations of racist policing (such as: “racial profiling is immoral and illegal – we do not tolerate it,” or statements along such lines), there has been little in the way of verifiable changes to how police officers interact, from day to day, with members of marginalized communities.

Motivated by the aim of moving beyond this “much talk and little action” status quo, the OHRC, the Peel Regional Police (PRP) and its Board (PPSB) signed a memorandum of understanding (MOU) in October 2020, committing to develop and implement legally binding remedies to identify and eliminate systemic racism in its policing operations and services, while promoting transparency and enhancing accountability.

The MOU, which is founded on a set of seven principles featured in the OHRC’s *Policy on eliminating racial profiling in law enforcement*, has set in motion a multi-stage process (known as the Human Rights Project) involving close collaboration between all parties to the MOU as well as residents of Peel Region who have keen interest in policing issues.

To date, a report titled *2021 Community Survey Results on Perception of and Experiences with Peel Regional Police* was released in December 2021. Based on 1,102 surveys completed by individuals who live and/or work in Peel Region, the report’s overarching finding is that almost half (48%) of people surveyed agreed that systemic racism is a problem in policing in Peel. The report also highlighted community perspectives on topics such as body-worn cameras, race-based data collection, de-tasking/defunding, police responses to persons in crisis and related matters.

Ongoing work also includes forming an independent Anti-Racism Advisory Committee (ARAC) made up of Peel Region community members who will play critical advisory roles for the project. As well, community engagement sessions – being conducted during March and April 2022 – will advance the aim of canvassing community views about options for recommendations pertaining to policy guidance, data collection, monitoring and accountability, and other principles outlined in the MOU.

All this work will result in an agreement in the form of a consent order issued by the Human Rights Tribunal of Ontario.

This means that, unlike the standard “list of recommendations” approach to systemic racism (where unenforceable recommendations can be ignored by police organizations), the Human Rights Project will entail remedies that are legally enforceable, with mandatory, not optional, compliance.

Overall, the aim of the Human Rights Project is in accord with aspirations voiced by PRP Chief Nishan Duraiappah during his August 2020 address to the House of Commons: “We understand that the willingness to step out and implement changes to drive out systemic racism, without fear of failure, is required and expected. Therefore, in Peel Regional Police I have committed to a shift from traditional law enforcement to a pro-public health model rooted in human rights.” As Ontario’s leading human rights organization, the OHRC certainly shares that vision.

Media highlights

- Law Times, September 22, 2021, “[Peel Regional Police, Peel Police Services Board, Ontario Human Rights Commission developed survey](#)” (reach: 16,527)
- Toronto Star, January 15, 2022, “[Police must continue ‘uncomfortable’ transformations, Peel Chief Nishan Duraiappah says](#)” (reach: 1,720,773)



BLAC Ontario
@BLAC_Ontario

Peel Regional Police, its Board and the OHRC are addressing systemic racism by encouraging the public to share their personal experiences and perceptions of the police force. This survey is available until Sept 30.

Work continues on Toronto Police Service inquiry

The OHRC’s work on the public inquiry into racial profiling and racial discrimination of Black persons by the Toronto Police Service (TPS) is ongoing. The OHRC is analyzing TPS and Toronto Police Services Board (TPSB) policies, procedures and practices; training and education; and existing and proposed accountability and enforcement mechanisms, through engagements with Black community members, experts and police.

In the spirit of cooperation, the TPS, TPSB and the Toronto Police Association have agreed to additional engagement to make sure the report includes a broad range of policing and community safety and well-being perspectives. The OHRC, TPS and TPSB are working collaboratively to identify additional relevant stakeholders for interviews or other forms of feedback, leading us to extend our process.

The OHRC is working diligently and is committed to producing a significant and impactful report. It is working with Black communities and the TPS and TPSB to ensure this work results in comprehensive, positive and meaningful action.

By moving the report's release to later in 2022, the OHRC believes that the additional time, work and engagement with communities will help achieve this goal.

Responding to concerns over DNA sweep: *Logan v Ontario Provincial Police*

In 2013, the Ontario Provincial Police (OPP) conducted DNA testing on many racialized migrant workers while investigating a sexual assault.

The woman who was assaulted had described her attacker as a Black man who was between five foot 10 and six feet tall, muscular, possibly in his mid-to late-20s, and “fairly dark, with no facial hair and...a low voice with a heavy accent, which she thought to be Jamaican.”

Police took DNA samples from Indo- and Afro-Caribbean men from Jamaica and Trinidad and Tobago who ranged in age from 22 to 68, in height from five foot two to six foot six, and in weight from 110 pounds to 328 pounds. In 2015, the OHRC intervened in *Logan v Ontario Provincial Police*, an application to the Human Rights Tribunal of Ontario (HRTO), which alleged that the overly broad DNA sweep amounted to racial profiling.

On March 1, 2022, the HRTO heard final arguments on liability and damages. The OHRC made oral submissions and answered questions from the HRTO. The HRTO reserved its decision.

If the HRTO finds that the OPP discriminated under the *Code*, a later hearing will be held on the issue of individual (non-monetary) and public interest remedies.

Reflecting on history

The *Human Rights Code* continued to evolve in 1982, when the human rights system was given the capability to expand individual discrimination and look at systemic discrimination. And, for the first time, the ground of disability was included.

After marital status and criminal record were added as grounds, and age was lowered to 18 or older, adding the ground of sexual orientation faced much more resistance before being included in the *Code* in 1986 – almost a decade after *Life Together* called for it.

Even today, hate crimes against LGBTQ2S+ communities continue. *Missing and Missed*, the recent report on the Toronto Police investigation of disappearances – the work of a serial killer – in Toronto’s gay village, offers a stark snapshot of how even though great gains have been made in society, there is still much work to do.

On June 30, 2008, *Bill 107* came into force. This major reform of Ontario’s human rights system included:

- Changing the role of the Ontario Human Rights Commission to not have carriage of individual human rights complaints, focusing instead on working on systemic or root causes of discrimination
- Having people make complaints – called applications – directly to the Human Rights Tribunal of Ontario
- And creating a new organization – the Human Rights Legal Support Centre – to provide legal advice and sometimes legal representation to people making complaints.

As the OHRC moved away from individual cases, it was able to focus its resources on systemic issues such as human rights in housing and acknowledging mental health and addictions as often hidden issues under the ground of disability. The OHRC continues to focus on major systemic issues today, in such areas as education, policing and corrections.

Poverty

Taking action on the right to housing

In November 2021, in its [Policy statement on human rights in COVID-19 recovery planning](#), the OHRC called on the provincial and municipal governments to recognize the obligation to progressively realize the right to housing as affirmed in the *National Housing Strategy Act (NHSA)*. The right to housing matters now more than ever, and the OHRC will continue to urge duty-holders to support all Ontarians in accessing adequate housing.

In the past year, part of this OHRC commitment involved reaching out to the City of Toronto and the Township of Brock to add a human rights lens to housing decisions.

Looking at multi-tenant houses

In July 2021, the OHRC sent a [letter](#) to the City of Toronto providing input into the city’s new regulatory framework for multi-tenant houses. The letter illustrated that certain groups protected by the *Code* are more likely to require low-cost, affordable housing, such as multi-tenant houses. This is particularly true for the grounds of age, sex, gender identity and expression, receipt of public assistance, disability (including mental health), marital and family status, citizenship, place of origin and race. People identified by these grounds are negatively and disproportionately affected when multi-tenant housing is restricted. Because of these concerns, the OHRC wrote that it was pleased that the framework implements human rights principles and “would establish city-wide permissions for multi-tenant houses.”

The OHRC also reminded the city that all municipalities must comply with the *Code*. This requires that municipal regulations must not directly or indirectly keep certain groups of people out of neighbourhoods, and that municipalities should focus on legitimate land use planning – looking at things like parking, built form, and infrastructure like sewers and roads – instead of “people zoning.” “People zoning” or the attempt to regulate based on who will live in the housing often results from opposition to housing projects based on stereotypes or prejudice.

Toronto Council failed to pass the framework, deferring the vote to a later date. The OHRC continues to monitor this situation.

Restricting supportive housing in Beaverton

In October 2021, the OHRC learned about an interim control by-law enacted by the Council of the Township of Brock to “prohibit the establishment of Supportive Housing and Modular Construction, including Manufactured Dwelling Houses” to suspend a supportive housing project in Beaverton.

The OHRC [wrote](#) to the township in November to express concern that the by-law was creating barriers to establishing and accessing supportive housing, which may be discriminatory under the *Code*.

The OHRC called on Township Council to remove any barriers that have a discriminatory effect as soon as possible, and to allow such supportive housing projects to proceed. The letter also offered OHRC assistance and support.

In December, the township invited the OHRC to present on the human rights issues associated with the by-law and with access to housing. A few weeks later, the township scrapped the by-law and committed to moving forward with the supportive housing project in Beaverton.

Reimagining poverty as a human rights issue

In its Strategic Plan (2017–2022), the OHRC committed to working towards explicit human rights protection for people who experience poverty, hunger and homelessness.

In January 2022, OHRC Commissioners approved a poverty consultation proposal to focus on how systemic discrimination in housing and mental health/addictions causes and sustains poverty. The primary goal of this consultation and policy development is to advance the interpretation and application of the *Code* by making clear how systemic discrimination causes and sustains poverty in the areas of affordable/accessible housing and mental health and addictions.

In the coming months, the OHRC will embark on a provincewide consultation to hear from service organizations, researchers, Indigenous communities and people with lived experience on discrimination in the areas of affordable/accessible housing and mental health and addictions and their relationship with poverty.

Responding to inequity in online health card renewal

In 2018, the Government of Ontario introduced a new online service allowing citizens with a driver's license and meeting other requirements to renew their health card online. Health card renewals were not required after March 2020 due to the COVID-19 pandemic, but were to be reinstated on February 28, 2022. In the months leading up to that date, the issue of inequality of access to online health card renewal services that depend on having a driver's license became evident to the OHRC and many stakeholders, including the AODA Alliance.

In a [letter to the government in December 2021](#), the OHRC questioned the decision not to allow use of the Ontario Photo Card identification (an official and secure government photo identification card available to people with disabilities and others who do not have a driver's license) as an acceptable alternative to renew OHIP cards online. Including the Ontario Photo Card would remove barriers for many people with disabilities from keeping their OHIP coverage up to date. As many people with disabilities also face barriers in travel and may be more vulnerable in any exposure to COVID-19, it is especially important that they be able to access, use and benefit from the convenience of any online services available at this time.

The OHRC also noted that the government could consider implementing a policy or procedure to ensure the needs of people with disabilities and older adults are considered and addressed in future new service offerings.



Sheriann Baker
@Sparkiestgerm

Once again folks like me with a disability are inconvenienced & living on pennies a month so having to get to Service Canada is almost impossible for many!

Janice Carson @jancarson65

This is so important. Expanding Health Card renewal services to persons with disabilities. Otherwise, they have to go through the snow/ice into the Service Ontario office during a pandemic to renew their card.

Empowered Kids Ontario
@EmpoweredKidsON

“If they could find a way that renewing online could be made possible for everybody involved, disabled & able-bodied people alike, it would be so much easier all around.”

On February 9, 2022, the government extended the deadline to renew expired health cards until September 30, 2022, and committed to taking steps to enable online health card renewal using the Ontario Photo Cards in the coming months. The government has reached out to the OHRC to further discuss this process.

Poverty Advisory Group

The OHRC continues to host quarterly meetings with the Poverty Advisory Group. Over the last year, the Advisory Group has provided valuable insights into the impacts of COVID-19, housing, social assistance and other issues relating to human rights and poverty. The group has and will continue to support the OHRC’s poverty consultation in 2022.

Current members:

- Paul Bailey, Black Health Alliance
- Mike Creek, Working for Change
- Rhonda Huneault, Tungasuvvingat Inuit
- Michael Kerr, Colour of Poverty – Colour of Change
- Caitlyn Kasper, Aboriginal Legal Services of Toronto
- Elizabeth McIsaac, Maytree
- Kwame McKenzie, Wellesley Institute
- David McKillop, Legal Aid Ontario
- Wendy Porch, Centre for Independent Living in Toronto
- Bruce Porter, Social Rights Advocacy Centre
- Jasmine Ramze Rezaee, YWCA Toronto
- Dianne Wintermute, ARCH Disability Law Centre

Other key OHRC work

Challenging systemic gender discrimination

The OHRC continued its work to fight gender discrimination in employment by intervening in *Ontario v Association of Ontario Midwives*, an appeal to the Court of Appeal for Ontario.

Women's work has been historically undervalued and women on average earn less than men. In a landmark 2017 decision, the Human Rights Tribunal of Ontario (HRTO) found that Ontario midwives, an almost exclusively female profession, had experienced systemic gender discrimination in compensation from 2005 to 2013. In 2019, the HRTO ordered the government to take steps to end midwives' gender wage gap resulting from this systemic discrimination.

The government challenged this decision and in November 2021, the Court of Appeal heard arguments to decide whether the decision should be upheld. The OHRC intervened to make several important arguments about pay inequality and systemic discrimination.

The OHRC argued that assessing whether there has been systemic discrimination requires a flexible and contextual analysis consistent with the recent Supreme Court of Canada decision, *Fraser v Canada (Attorney General)*. This includes looking at the results of a system and considering the social and historical disadvantage of women in the workforce. The OHRC emphasized that consistent with its policies and tribunal and court decisions, proactive steps are often required to ensure substantive equality, and organizations have a positive legal duty to make sure they are not engaging in or perpetuating systemic discrimination.

The OHRC's mandate includes working to eliminate systemic gender discrimination and pay inequality in Ontario. The Court of Appeal's decision will provide guidance on how systemic discrimination claims should be dealt with. The decision could form the basis for future equitable treatment of women and other *Code*-protected groups in the workforce.

Examining human rights concerns in the use of artificial intelligence

The use of artificial intelligence (AI), automated decision-making and algorithmic systems is rapidly expanding and has already become an integral part of everyday life. Both public- and private-sector organizations are increasingly relying on using these technologies to solve challenges, make key decisions, provide important services, and shape the lives of individuals and communities.

AI presents extraordinary potential to improve the quality of services and make them accessible to more people. However, early applications of AI systems have shown many risks to human rights, including data discrimination, racial profiling and a failure to ensure community participation and oversight of systems. AI systems that are flawed in their development can compound existing disparities and/or create new discriminatory conditions. Such conditions could have a profound and ongoing impact on marginalized and vulnerable communities and erode public trust in institutions. It is critical that these systems are not biased and do not create or perpetuate systemic discrimination.

In 2021, the OHRC began to examine the unique implications that artificial intelligence presents to human rights in Ontario. In June 2021, the OHRC made a [submission](#) to the Ontario government's consultation on guidelines for its use of AI, highlighting specific areas of concern with past and ongoing use of AI in policing, health care and education. The OHRC recommended actions for the government to strengthen human rights protections, accountability and oversight, and called on it to make sure AI use advances positive human rights changes.

In September 2021, the OHRC made a [submission](#) to the Toronto Police Services Board (TPSB) consultation on its Use of Artificial Intelligence Technologies Policy. OHRC recommendations centred on equity, privacy, transparency and accountability to address concerns about the unique implications that AI presents in policing, particularly for marginalized and vulnerable communities.

In November 2021, the OHRC made a [submission](#) to the Information and Privacy Commissioner of Ontario on its draft privacy guidance on facial recognition technology for police agencies. The OHRC called for a regulatory framework that sets clear and robust limitations on law enforcement's use of the technology, and assigns legal responsibility and liability for the potential adverse consequences.

In December 2021, the OHRC, Canadian Human Rights Commission and Law Commission of Ontario [announced](#) a joint research and policy initiative to examine human rights issues in developing, using and governing artificial intelligence and algorithms in Canada and specifically in Ontario. Over the coming years, our

organizations will collaborate to research and co-develop resources to help identify and consider discrimination and other human rights issues in the use of AI.

The OHRC will continue to examine the opportunities and risks that AI poses to human rights.

Developing a policy statement on the discriminatory display of names, words and images

Words and images can negatively affect the ability of individuals and groups to take part and benefit equally in their community. Indigenous peoples and racialized communities, among other groups, have called for the removal of statues of historic figures who are perceived as colonizers, slave owners, or who advanced racist policies. Similar calls have been made to rename roads, schools, government buildings and other institutions named for the same reasons. The OHRC helped settle the [case](#) of *Gallant v Mississauga* in 2018, requiring the City of Mississauga to remove from its sports facilities all Indigenous-themed mascots, symbols, names and images related to non-Indigenous sports organizations.

In September 2021, the OHRC [launched a public consultation survey](#) to receive feedback on [proposed content](#) for a new policy statement on the discriminatory display of names, words and images. The outline proposed general human rights principles and policy guidance to help avoid situations that may lead to discrimination. The policy would not take any position for or against the use of a specific name or image in a particular situation or interfere with freedom of expression of opinion.

Approximately 550 survey respondents shared dozens of examples of their experiences with discriminatory displays in Ontario. Respondents asked for the OHRC to take into consideration the concerns that some Ontarians have with challenges to change or remove displays, and strongly supported the OHRC's positions that education is essential to any change process, and that a collaborative approach is important to promote social inclusion.

The OHRC aims to release the policy statement in the coming year to clarify the scope of people's rights and responsibilities in situations that involve the display of names, words and images.

Media highlights

- CBC News, September 23, 2021, "[Ontario Human Rights Commission seeks input on controversial street, building names](#)" (reach: 7,414,320)
- Western Standard, October 17, 2021, "[LANDAU: Ontario Human Rights Commission seeks to pre-ban 'offensive' statues and street names](#)" (reach: 223)
- City News – Kitchener, January 8, 2022, "[Kitchener to review renaming of city's 'Indian Road'](#)" (reach: 77,102)



Nicholas Keung @nkeung

As the debates of #renaming institutions and streets

named after controversial historical figures are becoming more heated – @OntHumanRights is developing a first-ever policy on this issue.

(Reply) "You would have people who say, 'I don't mind this,' and other people would say that, 'I do mind in those situations.' What the commission is doing is pointing out to people that some people are sensitive to these kind of things ... ensure your actions are not offending them."

Josh Dehaas @JoshDehaas

OHRC's new policy will clarify that street names, geographic areas, landmarks, buildings, statues, plaques, etc. are discriminatory under s. 13(1) of the Code if they "involve current or historic persons known for their discriminatory views and actions"

Randy Guzar @RandyGuzar

OHRC engages the public to develop a new policy on the discriminatory display of names, words and images. I have a dream...some day soon, embarrassing ignorance will disappear!

Reflecting the Ontario experience in international reporting

In March 2022, Employment and Social Development Canada (ESDC) asked the OHRC to review and comment on its Article 19 Report on Canada's 2022 response to the International Labour Organization (ILO) Questionnaire on gender equality and non-discrimination, family responsibilities, and maternity protection.

ESDC was particularly looking for input on sections of the response that related to Ontario's *Human Rights Code*, pay equity and women's issues.

Among our comments was a suggestion that the draft report mention that some federal, provincial and territorial human rights commissions write public policies that interpret and promote compliance with their respective legislation on the various ILO convention matters.

For example, the OHRC has published employment-related anti-discrimination policies on subjects such as racism, pregnancy and breast feeding, gender identity and expression, sexual and gender-based harassment and family status.

We also advised that some regulatory bodies that govern regulated professions have "Canadian experience" requirements for work or training. The OHRC's [Policy on removing the "Canadian experience" barrier](#) takes the position that these requirements are discriminatory under human rights law unless they meet the legal test for proven *bona fide* and reasonable requirements.

ESDC has indicated that the ILO will use Canada's response to prepare a General Report on the state of law and practice across the globe in these areas, to be published in February 2023.

Reflecting on history

On June 15, 2012, the protected grounds of gender identity and gender expression were added to the *Code*. The government acknowledged the need to include explicit language about gender identity and expression, to better protect people who are often vulnerable to discrimination in Ontario.

In the past, gender identity was hidden in the human rights system under the ground of sex. Many housing and service providers, employers, communities and even government regulations routinely discriminated against people based on their gender identity. This change reflected the tireless efforts of community advocates, organizations like the Trans Lobby Group, and elected officials from all political parties.

As the *Code* has continued to evolve, so has the focus of the OHRC. Our work over the past few years has looked closely at disability and the duty to accommodate, the importance of collecting human rights-based data, racial profiling, solitary confinement, and Ontario's child welfare system, just to name a few.

We also continue to work more closely with First Nations, Métis and Inuit leaders and communities, to re-envision a human rights system that better reflects Indigenous experiences and world views.

What's next for human rights and for the *Code*?

Much has changed in the first six decades, and we expect the *Code* will continue to evolve as society evolves. As always, change is led by communities. That has always been, and will continue to be, the foundation of human rights in Ontario.

Foundational Strengths

Message from the Executive Director and Chief Legal Counsel

Human rights accountability: from responses to results

Accountability is now recognized as a necessary tenet for achieving transformative and sustainable changes in human rights. The United Nations High Commissioner for Human Rights has described accountability as 1) acknowledging one's responsibilities or duties, 2) answering for any failure to meet these responsibilities including responding to the public, and 3) accepting consequences for these failures. These facets – responsibility, answerability and enforcement – are essential in eradicating systemic discrimination.

In 2021–22, the OHRC's successes in addressing systemic discrimination were directly connected to our ability to embed the principle of accountability into our work. Whether through public education related to COVID-19, the human rights organizational change work in policing, the OHRC's intervention in *Ontario v Association of Ontario Midwives* or the Right to Read public inquiry, these initiatives all relied at their core on notions of accountability.

In a year where there was continuing misinformation about vaccines, the OHRC took seriously its responsibility to educate and protect the general public about what the Ontario *Human Rights Code* permits based on health and safety. When the OHRC released the *Policy statement on COVID-19 vaccine mandates and proof of vaccine certificates* on the same day as the government introduced vaccine mandates, it had an immediate impact.

The statement received extensive media coverage, the OHRC's guidance was followed by services and organizations across Ontario, and we were successful at embedding a human rights lens on a pressing pandemic issue.

Similarly, in the wake of concerns about the display of derogatory words and images such as street names or statues of historic figures who are perceived as colonizers or slave owners, which can create a poisoned environment for groups protected by the *Code*, the OHRC again embedded a human rights lens into the public debate. We began a public consultation to clarify rights and responsibilities under the *Code*, and plans are to release a policy statement later this year that will guide municipalities, other governments and organizations as they continue these discussions.

The OHRC's work on organizational change in policing emphasized the need to be accountable, both legally and to the public. For many decades, the OHRC has attempted to tackle systemic racism in policing through public education, training, policy, inquiries and litigation.

But none of these actions have moved the needle in reducing or eliminating the disproportionate negative impacts experienced by Indigenous, Black and other racialized communities across a range of interactions with the police. Over the last year, through a memorandum of understanding, the OHRC, Peel Regional Police and the Peel Police Services Board have established a human rights organizational change

project to address systemic racism in policing. Accountability is embedded in every aspect of this project, including community engagement, a legally enforceable agreement and independent monitoring. In the recent report on the Independent Civilian Review into Missing Persons Investigations, Justice Epstein referred to the success of this approach in other jurisdictions and noted “in the past, reform efforts that did not involve legally enforceable remedies whether involving the Service or other institutions have been unsuccessful.” This innovative approach to policing reform will ensure transparency and accountability and will support building trust with communities.

The third aspect of accountability relates to enforcement and the need to take steps to monitor for and ultimately address systemic discrimination. It is a well established principle in equality rights jurisprudence that duty-holders have an obligation to make sure they are not engaging in discrimination and to take positive steps to ensure disadvantaged groups benefit equally. During the past year, the OHRC intervened in *Ontario v Association of Ontario Midwives* before the Court of Appeal for Ontario, to argue in support of this principle and the appropriateness of considering an amalgam of policies, practices, acts and omissions with a focus on disproportionate negative impacts on midwives.

The OHRC used the same approach in its Right to Read inquiry, which considered the various factors that contributed to a system-wide failure to teach and support students in learning to read. The report also outlined systemic issues such as the failure to collect and/or analyze data to monitor individual student outcomes, or

support evidence-based decision-making, and the lack of monitoring/accountability at provincial and school board levels.

The *Right to Read* inquiry report made many recommendations to the Ministry of Education, school boards and faculties of education on revisions to curriculum, the need for teacher instruction, early screening, evidence-based early and later reading interventions, accommodations and professional assessments. Within one hour of the public release of the report, the Ministry of Education announced it would be revising its Language curriculum in both English and French to align with scientific, evidence-based approaches that emphasize direct and systematic instruction by September 2023; and collaborating with partners, including faculties, on teacher training. The Ministry also confirmed further investments for evidence-based reading intervention programs and professional assessments. In response, the OHRC announced that it will continue to monitor the Ministry and education partners’ implementation of the *Right to Read* recommendations. By holding ourselves and education partners accountable, we will make sure that every child has the right to learn to read, which will literally save lives and offer a better future a whole generation – and future generations – of students. That is what transformative change is all about.

Community Advisory Group update

In March 2022, the Community Advisory Group (CAG) met virtually, over two afternoons. Members learned about recent OHRC initiatives and shared current and emerging human rights issues affecting the communities they serve.

Major themes included:

- The failure of COVID-19 recovery measures to adequately address the pandemic's disproportionate impact on existing vulnerable groups, leading to further marginalization
- The rise in online hate targeting Muslim, Jewish, LGBTQ2S+, Indigenous, Black and other racialized people, including community members engaged in human rights activism
- The over-policing and under-protection of Indigenous, racialized, LGBTQ2S+ and other *Code*-protected groups and the lack of meaningful police oversight
- The devastating intersectional impacts of deepening poverty, and concerns about decreased access to justice for vulnerable groups as courts and social justice tribunals adopt "digital first" processes.

The OHRC also engaged CAG members on strategic planning, gathering information, perspectives and comments on strategic actions the OHRC should commit to for the next three years.

Current members:

- Zana Akande, Past President, Black Legal Action Centre
- Prasanna Balasundaram, Director, Downtown Legal Services
- Juana Berinstein, Director of Policy and Communication, Association of Ontario Midwives
- Sue Butchart, Director of Policy, Canadian Human Rights Commission
- Paul Champ, Principal Lawyer, Champ and Associates
- Ada Chan, Executive Director, Chinese & Southeast Asian Legal Clinic

- Uppala Chandrasekera, Director, Public Policy, Canadian Mental Health Association Ontario
- Lisa Cirillo, CEO, Law Foundation of Ontario
- Claudette Commanda, Executive Director, First Nations Confederacy of Cultural Education Centres
- Mojdeh Cox, Executive Director, Pillar Non-Profit Network
- Mike Creek, Director of Strategic Initiatives, Working for Change
- Debbie Douglas, Executive Director, Ontario Council of Agencies Serving Immigrants
- Yasin Dwyer, Muslim Chaplain, University of Toronto and Ryerson University
- Patti Fairfield, Executive Director, Ne-Chee Indigenous Friendship Centre
- Mustafa Farooq, Executive Director, National Council of Canadian Muslims
- Giidaakunadaad (Nancy Rowe), Knowledge Keeper, Mississaugas of the Credit First Nation
- Sharmaine Hall, Executive Director, Human Rights Legal Support Centre
- Kelly Hannah-Moffat, Vice-President, People Strategy, Equity and Culture, University of Toronto
- Carl James, Professor, Jean Augustine Chair in Education, Community & Diaspora, York University
- Salha Jeizan, Chair, Multicultural Inter-Agency Group of Peel
- Farrah Khan, Manager, Consent Comes First Ryerson, Office of Sexual Violence Support and Education, Ryerson University
- Saleha Khan, Diversity and Inclusion Manager, Peel Regional Police
- Anita Khanna, National Director, Public Policy and Government Relations, United Way Centraide Canada

- Lori Kleinsmith, Health Promoter, Bridges Community Health Centre
- Shalini Konanur, Executive Director, South Asian Legal Clinic of Ontario
- Douglas Kwan, Director of Advocacy and Legal Services, Advocacy Centre for Tenants Ontario
- Robert Latanzio, Executive Director, ARCH Disability Law Centre
- Elizabeth McIsaac, President, Maytree
- Noa Mendelsohn Aviv, Director, Equality Program, Canadian Civil Liberties Association
- NaWalka Geeshy Meegwun-Longfeather (Lyndon George), Indigenous Justice Coordinator, Hamilton Community Legal Clinic
- Juliette Nicolet, Policy Director, Ontario Federation of Indigenous Friendship Centres
- Kike Ojo, Principal Consultant, Kojo Institute
- Paula Osmok, Chief Executive Officer, John Howard Society of Ontario
- Debbie Owusu-Akyeeah, Executive Director, Canadian Centre For Gender & Sexual Diversity
- Jessica Reekie, Executive Director, Ontario Justice Education Network
- Cecil Roach, Coordinating Superintendent of Education, Indigenous Education and Equity, York Region District School Board
- Neethan Shan, Executive Director, Urban Alliance on Race Relations
- Talayeh Shomali, Manager, Education and Community Engagement and Diversity and Inclusion Officer, Canadian Civil Liberties Association
- Balpreet Singh, Legal Counsel, World Sikh Organization of Canada
- Catherine Sople, Member, Peel Poverty Action Group

Educating, advising

The OHRC's mandate includes providing public education for organizations and audiences across Ontario. The OHRC provided guidance in many areas, such as advising and responding to requests for assistance from government ministries, industries and sectors, and providing ongoing pandemic advice to the public through policy statements, social media, online questions and answers and media interviews.

The OHRC also played a more formal public education role with communities across Ontario. This included engaging with 4,912 people in 23 virtual training sessions and 34 virtual speaking events featuring the Chief Commissioner or the Executive Director and Chief Legal Counsel, and offering expanded and more accessible online learning options.

As well, over 16,000 people watched our news conference on YouTube for the release of the Right to Read inquiry report.

2021–2022 performance targets

The OHRC has established success indicators linked to the focus areas and the foundational strengths of its 2017–22 Strategic Plan. There are key targets and results to highlight progress in connection with each strategic priority. However, certain indicators rely on annual OHRC surveys of stakeholders. During the past year, due to concerns about survey fatigue, the OHRC did not survey its stakeholders. Accordingly, the OHRC is not able to report on the indicators below that rely on this data.

Focus area: Indigenous reconciliation

Outcomes	Performance measures	Target	Result
The OHRC's products and activities reflect a deep understanding of Indigenous perspectives	Percentage of key Indigenous leaders and community members who agree or somewhat agree that the OHRC's products and activities reflect a deep understanding of Indigenous perspectives	5% increase in survey response rate	N/A
The OHRC is culturally competent and possesses an understanding of anti-Indigenous racism	Percentage of OHRC staff who receive training on Indigenous perspectives and issues, and how colonization impacts Indigenous peoples	100% of staff receive training on Indigenous cultural competency	100% of staff have taken Indigenous Cultural Competency Training (San'yas)

Focus area: Criminal justice

Outcomes	Performance measures	Target	Result
Police services collect identifier data related to their services for human rights compliance	Percentage increase in number of police services that collect identifier data relating to services for the purposes of human rights compliance	5% increase in the number of police services collecting identifier data	N/A
No prisoners in administrative segregation in Ontario	Number of prisoners in administrative segregation in Ontario	Zero prisoners in administrative segregation	23% decrease (from 10,727 prisoners in 2019–20 to 8,219 prisoners in 2020–21), based on data available from the Ministry of the Solicitor General at this time
Prisoners with a mental health alert are not placed in segregation	Percentage of prisoners with a mental health alert or mental health disability placed in segregation	Zero prisoners with a mental health alert or mental health disability placed in segregation	3 percentage point improvement (+7.7%), based on data available from the Ministry of the Solicitor General at this time
Reduced racial disparities in use of force in policing	Percentage reduction in racial disparities in police use of force	Baselines and targets for police use of force related to other police services will be established once the Solicitor General reports on race-based data collection in accordance with the <i>Anti-Racism Act, 2017</i> and <i>O. Reg. 267/18</i>	Data unavailable, as the Ministry of the Solicitor General has not yet published this data

<p>Indigenous, Black and other racialized people in Peel region have improved relationships with police</p>	<p>Percentage increase in responses by Indigenous, Black and other racialized people to Peel Regional Police community surveys who describe their experiences with police as positive</p>	<p>5% increase in results of Indigenous, Black and other racialized people who describe positive interactions with Peel Regional Police in community survey in 2023; and a further 5% increase by 2025</p>	<p>Based on the 2021 community survey results on perceptions of and experiences with Peel Regional Police, released in December 2021, the OHRC has assessed benchmarks for Indigenous, Black and other racialized people who describe positive interactions with Peel Regional Police at: Indigenous – 43% Black – 57% South Asian – 59% Other racialized – 47%</p>
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Focus area: Poverty

Outcomes	Performance measures	Target	Result
Advanced understanding of protections under the <i>Code</i> for people who experience poverty, hunger and homelessness	One new legal intervention related to poverty	One	The OHRC did not intervene in a new poverty related HRTO application. Over the last two years, the OHRC initiated two different interventions, which it continues to work on
Human rights law recognizes how systemic discrimination causes and sustains poverty and disproportionately affects people experiencing poverty	Qualitative review of HRTO/court decisions relating to poverty issues	Case law review to be completed by 2022	Case law review completed, and informing a background paper for the OHRC's upcoming consultation on poverty and systemic discrimination in the areas of accessible/affordable housing and mental health and addictions

Focus area: Education

Outcomes	Performance measures	Target	Result
School boards identify and address systemic discrimination in the education system	Percentage of school boards informing the OHRC that they have adopted OHRC recommendations in the <i>Policy on accessible education for students with disabilities</i>	5% increase in the survey response rate 5% increase in percentage of school boards adopting recommendations in the <i>Policy on accessible education for students with disabilities</i>	N/A
Ontario's curriculum is inclusive of various groups in society	Percentage of education and school board stakeholders who "agree" or "somewhat agree" that Ontario's curriculum is inclusive of various groups in society	5% increase in the number of education and school board stakeholders who "agree" or "somewhat agree"	N/A

Focus area: COVID-19 pandemic

Outcomes	Performance measures	Target	Result
Duty-holders and members of the public are aware of their human rights and responsibilities related to the COVID-19 pandemic	Percentage increase in accessing the OHRC's resources related to the COVID-19 pandemic	5% increase over previous year's results in number of unique website views of guidance related to COVID-19	157,562 (+80%)

Focus area: Foundational strengths

Outcomes	Performance measures	Target	Result
<p>Leadership voice: Members of the public are aware and have strengthened knowledge about human rights protections under the Ontario <i>Human Rights Code</i></p>	<p>Percentage increase in accessing the OHRC’s resources on the OHRC website and through social media</p>	<p>Maintain unique website hits; 5% increase in social media followers and friends over 2019–20 results</p>	<p>Unique page views: 7,847,575 (+43%) Social media followers/friends: 42,559 (+20%)</p>
<p>Our people: Strengthened culture at the OHRC that fosters engagement and supports achievement</p>	<p>Percentage increase in relevant question areas in annual OPS employee engagement survey for OHRC staff</p>	<p>2% increase in employee engagement index, inclusion index, leadership index</p>	<p>Employee Engagement Index: 79.0% (+5.8%) Inclusion Index: 77.4% (+3.8%) Leadership Index: 72.0% (no previous data to compare with)</p>
<p>Our relationships: The OHRC maintains effective relationships with all stakeholders</p>	<p>Percentage of community leaders and experts and duty-holders, including employment and business leaders and police and school board stakeholders who “agree” or “somewhat agree” that the OHRC maintains effective relationships with all stakeholders</p>	<p>10% increase in the number of community leaders and duty-holders, including employment and business leaders and police and school board stakeholders who “agree” or “somewhat agree” that the OHRC maintains effective relationships with stakeholders</p>	<p>N/A</p>

Review of the OHRC performance measurement framework

The OHRC's 2017–22 Strategic Plan ends in December 2022. A renewal of the plan is expected for 2023 with strategic planning activities taking place over 2022. This process will include developing performance measurements and an evaluation framework to support identifying measures or indicators that will more concretely show how well we are doing in reaching our strategic objectives.

The OHRC will maintain certain elements of the existing plan, especially those that focus on education, the criminal justice system, poverty and Indigenous reconciliation as they remain quite relevant and current. However, there is a need to reframe and re-contextualize the plan within the current situation, including integrating new and emerging issues. Through this exercise, the OHRC anticipates an opportunity to set out clearer objectives and related performance metrics in the next version of the plan, to measure success objectively and more accurately.

Our Commissioners

Our Commissioners have in-depth knowledge and expertise in human rights and issues relating to vulnerable populations, public policy, social values, and concepts of fairness, justice and public service.

Patricia DeGuire, Chief Commissioner

Appointment: August 19, 2021 – August 18, 2023

Jewel Amoah

Appointment: May 28, 2020 – May 27, 2025

Randall Arsenault

Appointment: January 9, 2020 – January 8, 2023

Brian Eyolfson

Appointment: November 12, 2020 – November 11, 2022

Violetta Ighneski

Appointment: January 9, 2020 – January 8, 2023

Gary Pieters

Appointment: March 25, 2021 – March 24, 2023

Ena Chadha, Interim Chief Commissioner

Appointment: July 22, 2020 – July 21, 2021

2021–22 financial summary (April 1, 2021 to March 31, 2022)

	2021–22 Printed estimates (\$'000)	Revised budget March 31, 2022 (\$'000)	Actual expenditures March 31, 2022 (\$'000)	2021–22 Year end variance from revised budget (\$'000)	
				\$	%
Salaries & Wages	4,472.7	3,988.3	4,013.9	-25.6	-0.64%
Benefits	390.5	549.1	544.9	4.2	0.76%
Other Direct Operating Expenses (ODOE)	416.6	742.4	695.5	46.9	6.32%
Total Expenses	5,279.8	5,279.8	5,254.3	25.5	0.48%

2021–22 OHRC appointee remuneration

Appointee (full-time)	Total remuneration for FY 2021–22	Annual salary
Ena Chadha, Chief Commissioner (former)	\$94,919.00	\$174,184.00
Patricia DeGuire, Chief Commissioner	\$101,482.19	\$174,184.00
Total	\$196,401.19	Not applicable

Appointee (part-time)	Total remuneration for FY 2021–22	Per diem remuneration rate
Violetta Igheski, Commissioner	\$4,248.00	\$472.00
Randall Arsenault, Commissioner	\$4,012.00	\$472.00
Jewel Amoah, Commissioner	\$5,074.00	\$472.00
Brian Eyolfson, Commissioner	\$4,838.00	\$472.00
Gary Pieters, Commissioner	\$5,428.00	\$472.00
Total	\$23,600.00	Not applicable

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